

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA

)  
**BARBARA LEE BARRETT,** )  
Plaintiff, )  
v. )  
                                ) CASE NO.: CIV-10-1077-L  
                                )  
**MICHAEL J. ASTRUE,** )  
Commissioner of Social Security, )  
Defendant. )

REPORT AND RECOMMENDATION

Plaintiff has filed an Application To Proceed *In Forma Pauperis* and supporting affidavit. Having reviewed said motion and affidavit, the undersigned finds that Plaintiff has failed to provide required information, specifically at question 2e (the amount received during the past 12 months). Plaintiff's motion should be denied, and she should be required to pay the full filing fee or amend the application for further review.

RECOMMENDATION

Based on the foregoing findings, it is recommended that the motion for leave to proceed *in forma pauperis* be DENIED and the action be dismissed without prejudice unless Plaintiff amends the application for further review or pays the full filing fee to the Clerk of the Court by October 22<sup>nd</sup>, 2010. Plaintiff is advised of her right to file an objection to this Report and Recommendation with the Clerk of this Court by October 22<sup>nd</sup>.

2010, in accordance with 28 U.S.C. §636 and LCvR 72.1. The failure to timely object to this Report and Recommendation would waive appellate review of the recommended ruling. Moore v. United States of America, 950 F.2d 656 (10th Cir. 1991); cf. Marshall v. Chater, 75 F.3d 1421, 1426 (10<sup>th</sup> Cir. 1996) (“Issues raised for the first time in objections to the magistrate judge’s recommendation are deemed waived.”).

This Report and Recommendation disposes of all issues referred to the undersigned Magistrate Judge in the captioned matter.

ENTERED this 4<sup>th</sup> day of October, 2010.



GARY M. PURCELL  
UNITED STATES MAGISTRATE JUDGE